

REMARKS

In the last Office Action, the Examiner withdrew claims 7, 8, 13-20, 25, 26 and 31-36 as being directed to a non-elected invention. The drawings were objected to under 37 C.F.R. §1.83(a) as failing to show the tubular portion and conical portion recited in claim 1. Claims 1-6 and 9-12 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Browning (USPN 2,921,503). Claims 1 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Wilhelm (USPN 4,275,640). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Raville (USPN 3,656,249). Claims 3-6 and 10-12 were indicated to be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

In accordance with the present response, pages 57-58 of the specification have been revised to correct informalities. Independent claim 1 has been amended to further patentably distinguish from the prior art of record. Claims 1 and 9 have also been amended to overcome the indefiniteness rejection. New claims 37-50 have been added to provide a fuller scope of coverage. Non-elected claims 7, 8, 13-20, 25, 26 and 31-36 have been canceled without prejudice

or admission and subject to applicants' right to file a continuing application to pursue the subject matter of the non-elected claims. A new abstract which more clearly reflects the invention to which the amended and new claims are directed has been substituted for the original abstract.

Applicants request reconsideration of their application in light of the foregoing amendments and the following discussion.

Traversal of Drawing Objection

The drawings were objected to under 37 C.F.R. §1.83(a) as failing to show the tubular portion and conical portion recited in claim 1. Applicants respectfully traverse this rejection.

Claim 1 has been amended to delete the reference to the "tubular portion", thereby rendering the objection with respect to this element moot.

As to the "conical portion", the Examiner is respectfully invited to Figs. 42A-42G which show the conical portion 16f of the barrel 16. The conical portion 16f of the barrel 16 is described in detail on pages 57-58 of the specification.

In view of the foregoing, applicants respectfully request that the objection to the drawings under 37 C.F.R. §1.83(a) be withdrawn.

Applicants respectfully traverse the prior art rejections of claims 1, 2 and 9.

The present invention is directed to a semiautomatic handgun. One problem with conventional semiautomatic handguns having a barrel and a slide is the locking-up of the barrel during a firing sequence. More specifically, during a firing sequence, a front end portion of the barrel must pass through an open end of the slide. During this operation, the front end portion of the barrel often strikes an inner surface of a slide hole which would in turn prevent the front end portion of the barrel from passing through the open end of the barrel hole, thereby causing the locking-up of the barrel.

The present invention overcomes the drawbacks of the conventional art. Figs. 39 and 42A-42G show an embodiment of a semiautomatic handgun 200 according to the present invention embodied in the claims. The semiautomatic handgun 200 has a frame 10, a barrel 16 mounted on the frame 10. The barrel 16 has a chamber 40 for receiving a cartridge, a peripheral wall portion 16c extending from the chamber 40, a cylindrical portion 16e forming a front terminal end of the barrel 16, and a conical portion 16f disposed between and contiguous with each of the peripheral wall portion 16c and the cylindrical

portion 16e. A slide 14 is mounted on the frame 10 and over the barrel 16 and is longitudinally movable relative to the frame 10 and the barrel 16. The semiautomatic handgun 200 has firing mechanism (e.g., firing pin 54) for striking the cartridge, and a trigger 18 for releasing the firing mechanism.

By the foregoing construction of the semiautomatic handgun according to the present invention, the conical portion of the barrel provides a means for facilitating a front end portion of the barrel to pass through a front open end of a hole in the slide during a firing sequence of the semiautomatic handgun. Stated otherwise, the conical portion allows the front end portion of the barrel to clear an inner surface portion of the hole in the slide and pass therethrough, thereby preventing the barrel from locking-up (i.e., prevents the front end portion of the barrel from striking the inner surface of the hole in the slide which would in turn prevent the front end portion of the barrel from passing through an open end of the barrel hole).

Amended independent claim 1, dependent claims 2, 9, and new claims 37-50 patentably distinguish from the prior art of record.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Browning. Claims 1 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Wilhem. Applicants respectfully traverse these rejections.

Amended independent claim 1 is directed to a semiautomatic handgun and requires a frame, and a barrel mounted on the frame and having a chamber for receiving a cartridge, a peripheral wall portion extending from the chamber, a generally cylindrical portion forming a front terminal end of the barrel, and a generally conical portion disposed between and contiguous with each of the peripheral wall portion and the cylindrical portion. The semiautomatic handgun further requires a slide mounted on the frame and over the barrel and longitudinally movable relative to the frame and the barrel, a firing mechanism for striking the cartridge, and a trigger for releasing the firing mechanism. No corresponding structural combination is disclosed or suggested by the prior art of record.

Browning discloses an automatic firearm having a frame 10 and a slide 16 moveable along a top of the frame 10 (Figs. 1-13). A barrel 20 has a cartridge chamber 21 and is moveable with respect to the frame and engageable with the slide 16.

However, the barrel 20 of Browning does not have the specific structure of the barrel for the semiautomatic handgun recited in amended claim 1. More specifically, as shown in Fig. 6 of Browning, the barrel 20 is a tubular member with a uniform (i.e., having a constant outer diameter) outer peripheral surface along its entire length. In contrast, amended claim 1 recites a barrel having a peripheral wall portion extending from the chamber, a cylindrical portion forming a front terminal end of the barrel, and a conical portion disposed between and contiguous with each of the peripheral wall portion and the cylindrical portion. This specific structure of the barrel, and in particular the conical portion, is not disclosed or described by Browning.

Wilhelm discloses a semiautomatic handgun having a barrel 300. As shown in Figs. 17-18 and 19a-19b, an exterior end 302 of the barrel 300 has contiguous first and second sections, with the second section forming a front terminal end of the barrel 300. The first section has a cylindrical portion 319 and an angled portion 317. The second section has a cylindrical portion 320 and an angled portion 318.

Thus, while provided with cylindrical and angled portions, the exterior end 302 of the barrel 300 in Wilhelm does not have the specific structure for the barrel of the semiautomatic handgun recited in amended claim 1. For example, the front terminal end of the barrel 300 in Wilhelm

has the second section which has both cylindrical portion 320 and angled portion 318, whereas claim 1 recites a cylindrical portion forming a front terminal end of the barrel. Furthermore, Wilhelm does not disclose or describe a conical portion disposed between the peripheral wall portion and the cylindrical portion, as recited in claim 1. In this regard, the first and second sections at the exterior end 302 of Wilhem are not conical portions because the first and second sections include the respective cylindrical portions 319, 320.

In the absence of the foregoing disclosure recited in amended independent claim 1, anticipation cannot be found. See, e.g., W.L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) ("Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration"); Continental Can Co. USA v. Monsanto Co., 20 USPQ2d 1746, 1748 (Fed. Cir. 1991) ("When more than one reference is required to establish unpatentability of the claimed invention anticipation under § 102 can not be found"); Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added) ("Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim").

Stated otherwise, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. This standard is clearly not satisfied by Browning and Wilhelm for the reasons stated above. Furthermore, Browning and Wilhelm do not suggest the claimed subject matter and, therefore, would not have motivated one skilled in the art to modify the semiautomatic handgun disclosed in these references to arrive at the claimed invention.

Claim 9 depends on and contains all of the limitations of amended independent claim 1 and, therefore, distinguishes from Browning and Wilhelm at least in the same manner as claim 1.

In view of the foregoing, applicants respectfully request that the rejections of claims 1 and 9 under 35 U.S.C. §102(b) as being anticipated by Browning or Wilhelm be withdrawn.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Raville. Claim 2 depends on and contains all of the limitations of amended claim 1 and, therefore, distinguishes from Browning at least in the same manner as claim 1. While teaching a 9mm caliber firearm, the secondary reference to Raville does not cure the

deficiency in Browning with respect to the specific structure of the barrel of the semiautomatic handgun, as recited in claim 1, from which claim 2 depends.

In view of the foregoing, applicants respectfully request that the rejection of claim 2 under 35 U.S.C. §103(a) as being unpatentable by Browning in view of Raville be withdrawn.

Applicants respectfully submit that new claims 37-50 also patentably distinguish from the prior art of record.

New independent claim 39 recites the specific overall dimensions of the semiautomatic handgun. As recognized by the Examiner with respect to allowable claim 3, no corresponding structure is disclosed or suggested by the prior art of record.

New independent claim 42 recites the specific structure and positional relation between the frame and biasing member of the semiautomatic handgun. As recognized by the Examiner with respect to allowable claim 10, no corresponding structure is disclosed or suggested by the prior art of record.

New independent claim 43 recites the specific structure of the slide and barrel of the semiautomatic handgun in conjunction with means for facilitating the front end of the barrel to pass through the front open end of the hole of the slide during a firing sequence of the semiautomatic

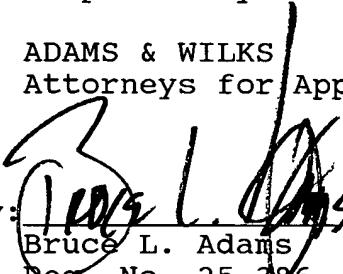
handgun. No corresponding structural and functional combination is disclosed or suggested by the prior art of record.

Claims 37-38, 40-41 and 44-50 depend on and contain all of the limitations of independent claims 1, 39 and 43, respectively, and, therefore, distinguish from the prior art of record at least in the same manner as claims 1, 39 and 43. There are also separate grounds for patentability of the new dependent claims which are directed to the specific structure of the conical portion of the barrel (claims 37, 38, 44, 45, 47), the positional relationship between the conical portion and the cylindrical portion forming the front terminal end of the barrel (claim 46), and the specific dimensions and weight of the semiautomatic handgun. No corresponding structural features are disclosed or suggested by the prior art of record.

In view of the foregoing amendments and discussions, the application is now believed to be in allowable form. Accordingly, favorable reconsideration and passage of the application to issue are most respectfully requested.

Respectfully submitted,

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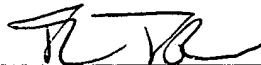
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